

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

FIELDING VAUGHN KIMERY  
ADC #133741

PLAINTIFF

v.

4:20-CV-00473-SWW-JJV

DEXTER PAYNE; *et al.*

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. After carefully considering Mr. Kimery's timely filed objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's official capacity damages claims are dismissed with prejudice.
2. Plaintiff's conspiracy claims are dismissed without prejudice.
3. Plaintiff's claims against Defendants Dexter Payne, James Gibson, James Shipman, Brandon Carroll, Scott Taylor, James Plummer, Mary Lloyd, Roosevelt Jones, Jason Treadwell, Larennetta Smith, Estella Bland, Michael Wood, and Doe are dismissed without prejudice as improperly joined.
4. Defendants Dexter Payne, James Gibson, James Shipman, Brandon Carroll, Scott Taylor, James Plummer, Mary Lloyd, Roosevelt Jones, Jason Treadwell, Larennetta Smith, Estella Bland, Michael Wood, and Doe are dismissed without prejudice from this action.
5. Plaintiff's claims for the loss of his personal property are dismissed without prejudice.

5. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting these recommendations would not be taken in good faith.

DATED this 10<sup>th</sup> day of June, 2020.

Susan Webber Wright  
UNITED STATES DISTRICT JUDGE